

REMARKS

Applicants gratefully acknowledge the Examiner's indication that Claim 17 is allowed. However, since Claim 10 has now been amended by narrowing its scope with respect to group A² (as discussed below), Applicants have amended Claim 17 so that group A² is defined in the same manner as it was defined in original Claim 10 so that Claim 17 retains its full allowable scope.

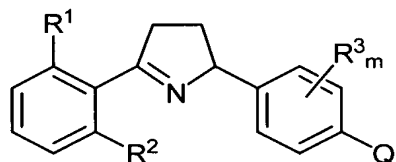
Applicants also gratefully acknowledge the Examiner's indication that Claims 13, 14, 16, 18, and 20 are objected to as being dependent on a rejected base claim and are thus impliedly allowable if written in proper independent form. In view of the amendments to Claim 10 (as discussed below), Applicants respectfully submit that they have traversed the rejection of Claim 10 and therefore have retained the dependency of Claims 13, 14, 16, 18, and 20.

Applicants have added new Claim 21, which is directed to a method of controlling pests (as in Claim 19) with a pyrroline of formula (I-b) (as in Claim 14). Applicants note the requirement that R⁴ not represent hydrogen and that the atom in the 2-position of the pyrrole ring have the R configuration. Applicants respectfully submit that Claim 21 is fully supported in the specification.

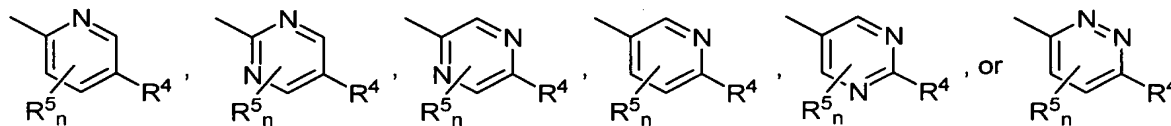
Rejection under 35 U.S.C. 102

Claims 10-12 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Canadian Patent Publication CA 2,430,683. [Applicants note that the Canadian application is a counterpart of the previously identified WO 02/46151 and of a recently issued U.S. Patent 7,179,806.] Applicants respectfully traverse.

The '683 publication discloses pyrrolines of the formula



in which group Q must always be a nitrogen-containing heteroaromatic ring having one of the formulas



and neither of the two phenyl rings attached to the pyrroline core moiety can ever contain a ring nitrogen atom. E.g., page 1, line 10, through page 4, line 3 (especially CS8473

bottom of page 1 and top of page 2). The Office Action refers to compound 114 as an example of a compound within the scope of Applicants' claims. However, Applicants' Claim 10 as now amended excludes compounds such as compound 114.

In particular, group Q of Applicants' claimed invention is never a nitrogen-containing heteroaromatic ring but is instead always a phenyl ring. This distinction exists even when group A¹ represents N (which is itself a feature never found in the compounds disclosed in the Canadian '683 publication). Applicants submit that CA 2,430,683 does not disclose compounds having these features and thus cannot anticipate their claimed invention.

Rejection under 35 U.S.C. 103

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent Publication CA 2,430,683. Applicants respectfully traverse.

As discussed above, the '683 publication discloses pyrrolines in which group Q is always a nitrogen-containing heteroaromatic ring and in which the two phenyl rings attached to the pyrroline core moiety never contain a ring nitrogen atom. Applicants submit that nothing in the '683 publication would lead those skilled in the art to pyrroline compounds bearing substituents other than the heteroaromatic-substituted phenyl groups taught by the reference.

Applicants note the comments about the presence of a methyl group in compounds of Applicants' claims (specifically Claim 14). Although Applicants believe that the cited decision *In re Woods*, 199 U.S.P.Q. 137 (C.C.P.A. 1978), does not stand for the simple proposition that substitution of methyl for a hydrogen atom would always lead to predictable results, Applicants also submit that the distinctions discussed above make it unnecessary to address this point in detail.

Applicants therefore respectfully submit that CA 2,430,683 does not render obvious their invention as claimed.

Rejection under 35 U.S.C. 112

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite with respect to the terminology "allowing . . . act." [Although the Office Action at page 4 refers to Claim 17, it is clear that Claim 19 is intended. If this assumption is incorrect, Applicants request clarification.] Although Applicants believe that those skilled in the agrochemical arts would readily understand what is meant, Applicants have amended Claim 17 to recite the application of an effective amount of

a compound (I) to the pests and/or their habitat. Applicants respectfully submit that they have traversed this ground of rejection.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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q:patents/prosecution documents/cs8473/amendment